

Basic information	
2009/0042(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Air transport: allocation of slots at Community airports Subject 3.20.01 Air transport and air freight	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	<div style="border: 1px solid red; display: inline-block; padding: 2px;">TRAN</div> Transport and Tourism		COSTA Paolo (ALDE)	16/03/2009
Council of the European Union	Council configuration		Meetings	Date
	Employment, Social Policy, Health and Consumer Affairs		2947	2009-06-08
	Transport, Telecommunications and Energy		2935	2009-03-30
European Commission	Commission DG		Commissioner	
	Energy and Transport		TAJANI Antonio	

Key events			
Date	Event	Reference	Summary
10/03/2009	Legislative proposal published	COM(2009)0121 	Summary
24/03/2009	Committee referral announced in Parliament, 1st reading		
30/03/2009	Debate in Council		Summary
22/04/2009	Vote in committee, 1st reading		Summary
24/04/2009	Committee report tabled for plenary, 1st reading	A6-0274/2009	
07/05/2009	Decision by Parliament, 1st reading	T6-0382/2009	Summary
07/05/2009	Results of vote in Parliament		
07/05/2009	Debate in Parliament		
08/06/2009	Act adopted by Council after Parliament's 1st reading		
18/06/2009	Final act signed		

18/06/2009	End of procedure in Parliament		
29/06/2009	Final act published in Official Journal		

Technical information	
Procedure reference	2009/0042(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/74278

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE423.750	31/03/2009	
Committee report tabled for plenary, 1st reading/single reading		A6-0274/2009	24/04/2009	
Text adopted by Parliament, 1st reading/single reading		T6-0382/2009	07/05/2009	Summary
Council of the EU				
Document type	Reference	Date	Summary	
Draft final act	03653/2009/LEX	18/06/2009		
European Commission				
Document type	Reference	Date	Summary	
Legislative proposal	COM(2009)0121 	10/03/2009	Summary	
Commission response to text adopted in plenary	SP(2009)3616	07/07/2009		
Other institutions and bodies				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0639/2009	24/03/2009	

Additional information		

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
Regulation 2009/0545 OJ L 167 29.06.2009, p. 0024 Summary

Air transport: allocation of slots at Community airports

2009/0042(COD) - 30/03/2009

The Commission presented the main lines of a proposal to amend Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

Air transport: allocation of slots at Community airports

2009/0042(COD) - 18/06/2009 - Final act

PURPOSE: to allocate slots for air carriers for summer 2010 scheduling season and amend Regulation (EEC) No 95/93.

LEGISLATIVE ACT: Regulation (EC) No 545/2009 of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

CONTENT: following a first reading agreement with the European Parliament, the Council adopted a regulation amending regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

To recall, the global economic and financial crisis is now seriously affecting the activities of air carriers. It has led to a significant reduction in air traffic over the winter 2008/2009 scheduling period. The summer 2009 scheduling period will also be affected by that economic crisis.

In order to ensure that the non-utilisation of slots allocated for the summer 2009 scheduling period does not cause air carriers to lose their entitlement to those slots, it is necessary to specify clearly and unambiguously that that scheduling period is affected by the economic crisis. This temporary measure will help airlines cut costs by allowing them to cut capacity more easily at busy airports, knowing that their slots will be safeguarded for the next summer season 2010.

Resulting in a compromise reached by the European Parliament and the Council, the Regulation stipulates that the Commission should continue to analyse the impact of the economic crisis on the air transport sector. Should the economic situation continue to deteriorate prior to the winter 2009 /2010 scheduling period, the Commission could make a **proposal to renew the arrangements** contained in this Regulation for the winter 2010/2011 scheduling period. Such a proposal should be preceded by a full impact assessment.

ENTRY INTO FORCE: 30 June 2009.

Air transport: allocation of slots at Community airports

2009/0042(COD) - 10/03/2009 - Legislative proposal

PURPOSE: to allocate slots for air carriers for summer 2010 scheduling season and amend Regulation (EEC) No 95/93.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the global economic and financial crisis is now seriously affecting the activities of air carriers. It has led to a significant reduction in air traffic over the winter 2008/09 scheduling season. The summer 2009 scheduling season will also be affected by the economic crisis. After 6 years of 3% average growth and zero growth in 2008, Eurocontrol is forecasting a 4.9% fall. More than 80% of European airports have seen a reduction in traffic (8% to 10% in passenger traffic and 25% to 30% in cargo traffic in January 2009), which means that the economic crisis is hitting the whole of the European air transport sector. The Commission takes the view that the current economic crisis and subsequent readjustments to services (suspension, reduction of frequencies) constitute exceptional circumstances that are having a negative impact on airline companies. Consequently, coordinators should interpret the provisions of Regulation (EEC) No 95/93 on the allocation of slots in such a way that airline companies do not risk losing the slots they fail to use because of the economic crisis ('use-it-or-lose-it' rule). Unless a decision is adopted to maintain the 'grandfather status' of slots, airlines might keep existing capacity in the face of significantly reduced demand, which would aggravate the current economic difficulties.

IMPACT ASSESSMENT: no impact assessment.

CONTENT: the point of reference for the Regulation is the allocation and utilisation of slots during one season ('use-it-or-lose-it' principle) and in particular the situation at the end of the season after the slots have actually been used. In particular, that Article stipulates that air carriers will not be entitled to the same series of slots in the next equivalent scheduling season, unless they can prove to the satisfaction of the coordinator that they have operated them, as cleared by the coordinator, for at least 80% of the time during the season for which they were allocated.

Furthermore the Regulation provides for calculation of usage at the end of the season, once slots have been operated, for the purpose of acquiring rights for the next equivalent scheduling season.

Article 10(4) gives a list of non-exhaustive reasons that can validly be used by air carriers to justify the non-utilisation of slots allocated during a scheduling season. The Regulation is based on the principle that the allocation and monitoring of the use of slots are the responsibility of the coordinator, who must not only carry out his duties in an independent manner but must also act in a neutral, non-discriminatory and transparent way. Therefore, neither the Commission nor any Member State may impose on coordinators any requirements that might undermine their independence.

Under these circumstances, there is a danger that Member States will interpret the Regulation differently, which would lead to a lack of consistency in the application of Article 10(4) within the Community. It is therefore proposed to insert a new Article 10c into the Regulation. This states that, for the purpose of Article 10(4), coordinators shall accept that air carriers are entitled to the same series of slots during the summer 2010 scheduling season as were allocated to them during the summer 2009 scheduling season in accordance with the Regulation. The Commission shall continue to analyse the impact of the economic crisis on the air transport sector. Should the situation continue to deteriorate during the winter 2009/10 season, it may decide to renew all or part of these arrangements for the winter 2010/11 season.

Although the allocation of slots for the summer 2009 scheduling season was completed on 31 January 2009, amendment of the Regulation will still permit airline companies to adjust their activities and reduce existing capacity in order to comply with the 'use-it-or-lose-it' rule. Since the summer 2009 season begins on 29 March, the proposed rule should enter into force as soon as possible. Otherwise, there is a major risk of legal challenges from air carriers allocated slots at airports where coordinators did not accept the justification of exceptional circumstances caused by the economic crisis during the summer 2009 scheduling season.

FINANCIAL IMPLICATIONS: there are no financial implications for the Community budget.

Air transport: allocation of slots at Community airports

2009/0042(COD) - 07/05/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 508 votes to 20, with 7 abstentions, a legislative resolution amending, under the first reading of the codecision procedure, the proposal for a regulation of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports.

The amendments are the result of a compromise negotiated with the Council.

A new recital stresses that the Commission should continue to analyse the impact of the economic crisis on the air transport sector. Should the economic situation continue to deteriorate prior to the winter 2009/2010 scheduling period, the Commission could make a proposal to renew the arrangements contained in this Regulation for the winter 2010/2011 season.

Such a proposal should be preceded by a full impact assessment analysing its possible effects on competition and consumers and should be made only if it forms part of a proposal for a general revision of Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports in order to resolve present slot allocation inefficiencies and to ensure the optimal use of scarce capacity at congested airports.